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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/353,625	07/15/1999	ARNOUD EKKER	1330.1047	3873

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EXAMINER

COLEMAN, ERIC

ART UNIT PAPER NUMBER

2183

DATE MAILED: 12/03/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

TR

Office Action Summary

Application No.

09/353,625

Applicant(s)

EKKER ET AL.

Examiner

Eric Coleman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,5,6. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-28 are rejected under 35 U.S.C. 102(a) as being anticipated by Griffin (patent No. 5,893,077 submitted by applicant).

Griffin taught (claims 1-10,25) the invention as claimed including a data processing ("DP") system comprising:

A) Means and method for continuously running event creation process determining whether a system-created event is due to be created (e.g., see col. 6, line 42--col. 7, line 35 and col.13, lines 14-25);

B) Means method for continuously running pricing process pricing the system created events and non-system created events as they become available (e.g., see col. 13, line 60-col. 14, line 25).

Griffin taught that the events were priced as the became available and were created and maintained in real-time independent to a billing process (e.g., see col. 13, line 1-col. 14, line 25). The Griffin system provided billed and unbilled events ready for display on demand (e.g., see fig.2 and col. 5, line 21-col. 6, line 41). Griffin taught making the events available for contribution to summary records for billing statements (e.g., see col. 6, lines 58-65). Griffin taught discounting of some events and

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consolidation of events (e.g., see col. 13, line 50-col. 14, line 24) this discounting means and method provided for real time recalculation of a charge to an unbilled event when information that impacted the charge had changed.

As to the further limitations of claim 11-18,27 Griffin taught the determination if an event was priceable, and if so, then pricing the event in real-time (e.g., see col. 14, lines 6-21). As to the calculating of the minimum and maximum charges, this procedure is within the level of skill of one of ordinary skill as in the billing art. It is routinely performed to indicate a minimum charge for a bill the charge if the bill is paid on time and a maximum charge if the bill is paid late.

As to the limitations of claims 19-24 Griffin taught specific user operations that caused events to be generated. These events happened at random times (e.g., when a user logged onto a system). Therefore the system had to determine if the user operation was occurring for determining whether a system-created event was to be created and creating the event responsive to the determining (e.g., see col. 6, line 42-col. 7, line 35 and col. 13, lines 1-35).

As to claim 26, Griffin taught a system comprising: a continuous running event creation process; a continuously running pricing process (e.g., see col. 6, line 42-col. 7, line 35 and col. 13, line 60-col. 14, line 25).

As to claim 28, Griffin taught a computer readable storage medium including a process controlling a computer and having a continuously running event creation process; continuously running a pricing process (e.g., see col. 6, line 42-col. 7, line 35 and col. 13, line 60-col. 14, line 25, and figs. 2, 8a, 8b, 8c).

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cameron (6,317,490) disclosed a real-time billing system (e.g., see abstract).


Lamm (6,078,907) disclosed a system for electronically presenting and paying bills (e.g., see abstract).

Kitchen (6,289,322) disclosed a system for electronic bill paying (e.g., see abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Coleman whose telephone number is (703) 305-9674. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Chan can be reached on (703) 305-9712. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7439 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.


ERIC COLEMAN
PRIMARY EXAMINER

EC
November 28, 2001